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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 GERALD S. COMPLITA,

8 Petitioner,

9 v.

10 JEFFREY A. UTTECHT,

11 Respondent.

CASE NO. C19-5285 BHS

ORDER DENYING PETITIONER'S
MOTION FOR
RECONSIDERATION

12 This matter comes before the Court on Petitioner Gerald Complita's ("Complita")
13 motion for reconsideration. Dkt. 22.

14 On September 6, 2019, the Court adopted the Report and Recommendation of the
15 Honorable David W. Christel, United States Magistrate Judge, over Complita's
16 objections. Dkt. 20. The Court concluded that Complita had failed to exhaust his claims
17 in state court and dismissed the petition without prejudice. *Id.* On September 19, 2019,
18 Complita filed the instant motion arguing that he is entitled to federal review of his
19 petition despite his failure to exhaust. Dkt. 22. The Court has rejected Complita's
20 arguments under binding precedent. Dkt. 20 at 2 (citing *Calderon v. U.S. Dist. Court for*
21 *N. Dist. of California*, 134 F.3d 981, 984 (9th Cir. 1998) (exhaustion is "one of the pillars
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1 of federal habeas corpus jurisprudence.”)). Accordingly, the Court **DENIES** Complita’s
2 motion for reconsideration.

3 **IT IS SO ORDERED.**

4 Dated this 23rd day of September, 2019.

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7 BENJAMIN H. SETTLE
United States District Judge
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